

### REMARKS

In the Office Action, the disclosure was objected to. Claims 1-5 were rejected under 35 USC §112, second paragraph. Claims 1-3 were rejected under 35 USC §103(a) as being unpatentable over AAPA in view of Marchetti. Claims 4 and 5 were indicated to be allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph.

Having duly considered the Examiner's rejection raised under 35 USC §103(a) and in view of the Examiner's statement that claims 4 and 5 would be allowable if rewritten to overcome the formal objections and to include all of the limitations of the base claim, claim 1 has been amended to include the subject matter of claim 4 in independent form. Claim 5 has also been placed in independent claim form as new claim 6.

New claims 7-10 have been added which are novel and unobvious over the admitted prior art and the cited reference to U.S. Patent No. 4,218,862 to Marchetti.

The machine of Augusto Marchetti is a so called "fixed size" machine, that is a machine which requires adjustment of the distance of the box drive belts and of the height of the vertically movable head each time the size of the boxes changes.

In contrast, the machine including the device according to the present invention is a so called "self-dimensioning machine", that is a machine which automatically adapts the distance

of the drive belts and the height of the head to the variable size of the boxes.

As a result of this difference, while hand adjustment of the head position is necessary in the old machine, first and second height detecting means are provided in the new machine to detect the height of the box with open flaps and with closed flaps, respectively, and a head assembly is formed by a head and a touching group which are separately controlled to move down to respective positions depending on the height of the box as detected by said first and second detecting means. The head supports a rod for straightening and partially closing the front flap of the box and this rod is pivoted on the head and is yieldingly kept in a vertical position so as to be contacted and moved to an inclined position by the upper edge of the front wall of the box with open front flap during the advancement of the box. The touching group supports a longitudinal central guide for completing the closure of the front flap. The central guide is arranged downstream in the advancement direction of the box and is put by the touching group in a horizontal position at a height corresponding to the height detected by the second height detecting means so as to meet the front flap in a partially closed position and to complete the closing movement thereof.

This construction and this mode of operation are very different from those of the old machine and are taught in no way by

the cited reference. Particularly, no teaching is found in the cited reference for first and second height detecting means as well as for a head assembly formed by a head provided with a flap straightening and partially closing rod and by a separately movable touching group provided with a longitudinal central guide which completes closure of the front flap.

No height detecting means are disclosed in the cited reference and the head assembly is formed by a vertically movable single body which supports a single closing member instead of the separately movable head and touching group which respectively support a rod for straightening and partially closing the front flap and a longitudinal central guide for completing closure of the front flap.

One of ordinary skill in the art having decided to provide the machine of the cited reference with automatic means would not have found obvious to divide the single body head of the cited reference into two separately movable parts (the head and the touching group) provided with separate height detecting means and separately controlled members for straightening and partially closing and then finally closing the front flap of the box.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for

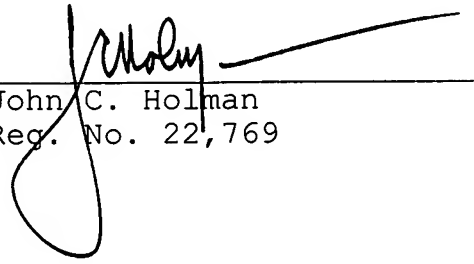
allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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